



**SOCIAL WATCH**

poverty eradication and gender justice

## Transparent Public Procurement Rating (TPPR)

Benin

2019



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# BENIN

## TPPR

Transparency Environment			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Business registry is publicly available. – [ 1 point ]	1	<p>The publication is done online on the website of the Agency for the Promotion of Investments and Exports (APIEx), through the Single Window of Formalization of Enterprises (GUFÉ). See Article 4 of Decree N ° 2016-167 (Decree No. 2016-167 of 25 March 2016 amending Decree No. 2014-547 of 12 September 2014 on the establishment, duties, organization and functioning of the Agency for the Promotion of Investments and Exports of Benin (APIEX).</p> <p>This is where the public can access legal announcements: <a href="http://www.gufebenin.org/index.php/publications">http://www.gufebenin.org/index.php/publications</a></p> <p>It would have been better to have an online register that categorizes companies alphabetically.</p> <p>This Article 70 of law N° 2017-04 of 19 October 2017 on the Public Procurement code in the Republic in Benin obliges companies to register in the professional registry</p>
2.	Budgets of all public procuring entities are publicly available. – [ 1 point ]	0	Local authorities have an obligation to keep their budgets available to the public. But companies, offices and state agencies have no obligation to publish budget.
3.	Public officials are required by law to file asset declarations. – [ 1 point ]	1	<p>Article 3 of the Law No. 2011-20 on the fight against corruption and other related offenses in the Republic of Benin.</p> <p>Decree No. 2012-338 and Decree No. 2011-914, implementing the provisions of Articles 3 and 10 of Law No. 2011-20 of October 12, 2011 on the fight against corruption and other related offenses in the Republic of Benin.</p>
4.	The country has adopted legal provisions ensuring the right to request public information. – [ 1 point ]	1	<p>Decree No. 2015-035 of 29 January 2015 on the Code of Transparency in the Management of Public Finances in the Republic of Benin which provides:</p> <ul style="list-style-type: none"> <li>- Article 2: "Taxpayers and users of public services are clearly, regularly and completely aware of all matters relating to the governance and management of public funds. They are put in the conditions to exert, in the public debate, their right of inspection on the finances of all the public administrations".</li> <li>- Article 9: "Contracts between the public administration and public or private enterprises, in particular natural resource companies and public service concession companies, are clear and made public. These principles apply to both the contract award procedure and its content".</li> <li>- Article 44: "The timely publication of information on public finances is a legal obligation of the public administration".</li> </ul> <p>Law No. 2015-07 of 20 March 2015 on the Code of Information and Communication states that:</p> <ul style="list-style-type: none"> <li>- Article 7: "Everyone has the right to information ... The State undertakes, through its various structures and institutions, to guarantee to all persons access to sources of information, particularly public information".</li> <li>- Article 70: "Every citizen has the right of access to documents or information held by a public body or by its agents in the exercise of their functions".</li> </ul>

			<p>The Information and Communication Code of Benin provides for broad access to state information, and specifically notes that state agents “may disclose and provide evidence of all illicit behavior in public administration. Except in the case of slanderous denunciation, they shall not, in so doing, incur any administrative penalty or disciplinary measure”. Restrictions on the right of access to public information are “justified only in exceptional circumstances” such as public interest, defense secrecy and confidential judicial proceedings. Public bodies are not obliged to share commercial secrets and they may not disclose information obtained from a person responsible for the prevention or detection of a crime if so doing could jeopardize an investigation, reveal a confidential source of information, endanger any person or impair the right of a person to an impartial hearing.</p>
5.	<p>Legislation includes provisions regulating whistleblower protection. – [ <b>1 point</b> ]</p>	<b>1</b>	<p>Articles 31 to 36 of the Law No. 2011-20 on the fight against corruption and other related offenses in the Republic of Benin  And the Decree No. 2013-122 on special conditions of protection for whistleblowers, witnesses, experts and victims of acts of corruption.  The Law on The Fight Against Corruption and Other Connected Infractions in The Republic Of Benin (2011) provides whistleblowers, witnesses, experts, victims and their relatives with limited “special protection” against possible acts of reprisal or intimidation for the disclosure of corruption-related information. The conditions for this special protection are set out in a 2013 Decree on the Conditions of Special Protections For Whistleblowers, Witnesses, Experts and Victims, which notes that no whistleblower, expert or victim of corruption-related crime can be harassed, reprimanded or sanctioned for having reported or denounced corruption. The Decree calls for reinstatement and /or compensation for employees who have been sanctioned or dismissed for collaborating with the national authorities in the “fight against corruption.”  Where threats are made, or a whistleblower is in danger, the minister in charge of security or the minister in charge of national defence will ensure the person’s security through the service of the police or security forces.</p>

### Indicators by Procurement Process

General Characteristics of the Procurement System			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Public Procurement Legislation (PPL), which may include primary and secondary legislation, lays out the basic principles and general framework of the procurement process, makes it operational and indicates how the law must be applied to specific circumstances. – [ 1 point ] <i>Uniformity of the Legislative Framework</i>	1	Titles I to IV of law N° 2017-04 of 19 October 2017 on the Public Procurement code in the Republic in Benin.
2.	PPL (including primary and secondary legislation) is available in a single and accessible place. – [ 1 point ] <b>Scoring Method</b> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <i>Uniformity of the Legislative Framework</i>	0.5	The Law and all its decrees are available on web sites, most of the acts are available in non-machine-readable format.  <a href="https://sgg.gouv.bj/doc/loi-2017-04/">https://sgg.gouv.bj/doc/loi-2017-04/</a> or <a href="https://armp.bj/index.php?option=com_k2&amp;view=itemlist&amp;layout=category&amp;task=category&amp;id=3&amp;Itemid=666">https://armp.bj/index.php?option=com_k2&amp;view=itemlist&amp;layout=category&amp;task=category&amp;id=3&amp;Itemid=666</a> and <a href="https://armp.bj/index.php?option=com_k2&amp;view=itemlist&amp;layout=category&amp;task=category&amp;id=8&amp;Itemid=668">https://armp.bj/index.php?option=com_k2&amp;view=itemlist&amp;layout=category&amp;task=category&amp;id=8&amp;Itemid=668</a> Also on smartphone on Playstore: <a href="https://play.google.com/store/apps/details?id=com.rabtechmobile.tossin_lois_republique_benin.codedesmarchspublics&amp;hl=fr">https://play.google.com/store/apps/details?id=com.rabtechmobile.tossin_lois_republique_benin.codedesmarchspublics&amp;hl=fr</a>
3	PPL applies to all state budget and local government entities (including their respective Legal Entities of Public Law (LEPLs), state owned companies and non-commercial legal entities) and all exempted entities are clearly indicated. – [ 1 point ] <b>Point Distribution</b> <ol style="list-style-type: none"> <li>a) All state budget entities – [ 0.2 ]</li> <li>b) Local government entities – [ 0.2 ]</li> <li>c) Legal Entities of Public Law (LEPL) – [ 0.2 ]</li> <li>d) State owned companies – [ 0.2 ]</li> <li>e) State non-commercial legal entities – [ 0.2 ]</li> </ol> <i>Uniformity of the Legislative Framework</i>	Overall: 1 Components: a) 0.2 b) 0.2 c) 0.2 d) 0.2 e) 0.2	Article 2 and 3 of law N°2017-04 of 19 October 2017 on the Public Procurement code in the Republic in Benin
4.	The scope of coverage of PPL includes all sectors of the economy where competition is possible and exemptions are clearly listed in the PPL. – [ 1 point ] <b>Point Distribution</b> <ol style="list-style-type: none"> <li>a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [ 0.5 ]</li> <li>b) PPL clearly lists or refers to all exemptions. – [ 0.5 ]</li> </ol> <i>Uniformity of the Legislative Framework</i>	Overall: 1 Components: a) 0.5 b) 0.5	Article 5 of law N°2017-04 of 19 October 2017 on the Public Procurement code in the Republic in Benin

5.	<p>PPL determines a separate state body (procurement regulatory body) responsible for managing public procurement or assigns this function to a subordinate public body(ies). – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• PPL determines a separate state body responsible for managing public procurement which is authorized to have income in addition to state funding. – [ 1 ]</li> <li>• PPL determines a separate state body responsible for managing public procurement. – [ 0.75 ]</li> <li>• PPL assigns this function to a subordinated public body(ies). – [ 0.5 ]</li> <li>• There is no responsible state body. – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>The law distinguishes 3 organs</p> <ul style="list-style-type: none"> <li>- The awarding bodies (Articles 10 to 13)</li> <li>- Control bodies (Articles 14 to 17)</li> <li>- Regulatory bodies (Articles 18 to 22)</li> </ul> <p>It is the National Directorate for Controlling Public Contracts (DNCMP), under the supervision of the Minister in charge of Finance. It is the central body for the control of public procurement. (Article 14)</p>
6.	<p>PPL stipulates that the procurement regulatory body is responsible for at least coordination and monitoring (i.e. data collection and analysis as opposed to regulation and control) of public procurement activities. – [ 1 point ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>Article 1, 2 and 4 of Decree No. 2018-223 of June 13, 2018 on the attributions, organization and functioning of the Public Procurement Regulatory Authority (ARMP)</p>
7.	<p>Legislation provides for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ol style="list-style-type: none"> <li>Legislation provides for a mechanism of consultation with the private sector. – [ 0.25 ]</li> <li>Legislation provides for a mechanism of consultation with the civil society sector. – [ 0.25 ]</li> <li>PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [ 0.5 ]</li> </ol> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	<p>Overall: 0 Components: a) 0 b) 0 c) 0</p>	
8.	<p>PPL stipulates that electronic means is the primary method of conducting public procurement and of communication between procuring entities and tender participants. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ol style="list-style-type: none"> <li>PPL stipulates that electronic means is the primary method of conducting public procurement. – [ 0.5 ]</li> <li>PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [ 0.5 ]</li> </ol> <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall: 0 Components: a) 0 b) 0</p>	<p>According to Articles 66 to 68 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin, electronic means are a possibility. But this is not the main method</p>
9.	<p>PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	0	<p>Although Benin has a Web portal (<a href="https://marches-publics.bj">https://marches-publics.bj</a>), it is not considered to be so (a single official point of access for all procedures and information).</p>

10.	<p>Legislation requires that software used for electronic procurement and related communication shall be non-discriminatory, free to use and interoperable with the ICT products in general use and shall not restrict economic operators' access to the procurement procedure. – [ 1 point ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i></p>	0	<p>Currently, software is used only for communication. Software for public procurement is not yet available. However, the Government has launched a process to dematerialize the process.</p> <p>Article 67 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin: "Tools used to communicate by means and their technical characteristics must be non-discriminatory, commonly available to the public and compatible with commonly used information and communication technologies.</p> <p>The use of this method of communication must meet the prescriptions of the digital code in force in the Republic of Benin".</p>
11.	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) PPL should not allow domestic preferences. – [ 1/5 ]</li> <li>b) Participation of any candidate or group of candidates is based on qualification. – [ 1/5 ]</li> <li>c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [ 1/5 ]</li> <li>d) State owned companies are not given any preference. – [ 1/5 ]</li> <li>e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [ 1/5 ]</li> </ul> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: GPA Standard</b></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 1/5</li> <li>b) 1/5</li> <li>c) 1/5</li> <li>d) 1/5</li> <li>e) 1/5</li> </ul>	<p>Article 5 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p> <p>"Subject to the provisions of Articles 85, 86 and 87 of the under this law, the contracting authority shall refrain from any measure or provision based on the nationality of the candidates, such as to constitute discrimination".</p> <p>A ) The law allow communautary preferences (West African Economic and Monetary Union)</p> <p>Articles 63 to 68 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin</p>
12.	<p>PPL stipulates that a procuring entity shall, consistent with its own reasonable needs, provide sufficient time (based on the GPA standard - Article XI) for candidates to prepare and submit tender application. – [ 1 point ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	1	<p>Article 64 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [ 1 point ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>The contracting authority appoints a person responsible for the market responsible for implementing the award procedures and implementation of public procurement :</p> <p>Person responsible for public procurement (PRMP)</p> <p>Article 10 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>

14.	PPL references sanctions for violations of the PPL. – [ 1 point ] <i>Accountability and Integrity</i>	1	Article 143 to 151 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.
15.	Legislation explicitly defines fraud and corruption / abuse of public office and spells out the individual responsibilities and consequences for government employees and private firms or individuals found guilty of fraud or corruption. – [ 1 point ]  <i>Accountability and Integrity</i> <b>Source: OECD Methodology</b>	1	Article 143 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin. Articles 107 to 110 of the Law No. 2011-20 on the fight against corruption and other related offenses in the Republic of Benin
16.	PPL ensures the right to review (complaints), for all interested parties, including general public, tender participants and potential suppliers. – [ 1 point ] <b>Scoring Method</b> <ul style="list-style-type: none"> <li>• PPL ensures the right to review, for general public, tender participants and potential suppliers. – [ 1 ]</li> <li>• PPL ensures the right to review, for tender participants and potential suppliers. – [ 0.75 ]</li> <li>• PPL ensures the right to review, for tender participants. – [ 0.25 ]</li> <li>• No one has the right to review. – [ 0 ]</li> </ul> <i>Uniformity of the Legislative Framework</i>	0.75	Article 137 to 139 of law N° 2017-04 of 19 October 2017 on the Public Procurement code in the Republic in Benin. Those who can appeal under the Public Procurement Code: - The candidate: A natural or legal person who has an interest in participating in a procurement procedure. His appeal therefore comes before the submission of tenders. - The tenderer: Natural or legal person who submitted an offer in the framework of a procurement procedure. His recourse is exercised after the submission of tenders. - The successful tenderer: Bidder whose bid was accepted before the contract was approved. His recourse takes place before the final award of the contract. - the Public Procurement Person (PRMP) - The members of the Procurement Commission - The members of the Public Procurement Control Unit  The public can not appeal but can only report to the authorities.
17.	PPL ensures the right to review throughout the procurement process. – [ 1 point ] <b>Point Distribution</b> <ol style="list-style-type: none"> <li>a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [ 1/3 ]</li> <li>b) A procurement contract cannot be awarded with a pending complaint. – [ 1/3 ]</li> <li>c) A reasonable amount of time should be left between publication of the contract award decision and the signing of the contract, in order to give any stakeholder the opportunity to challenge the award decision. – [ 1/3 ]</li> </ol> <i>Uniformity of the Legislative Framework</i>	Overall: 1 Components: a) 1/3 b) 1/3 c) 1/3	Article 137 to 139 of law N° 2017-04 of 19 October 2017 on the Public Procurement code in the Republic in Benin.

18.	<p>PPL ensures the existence of an independent (from parties involved in a procurement dispute) review body with the authority to review complaints and grant remedies. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) PPL ensures the existence of an independent review body. – [ <b>0.7</b> ]</p> <p>b) The review body includes civil society members. – [ <b>0.3</b> ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.7</p> <p>b) 0.3</p>	<p>Article 2, 4 and 18 of Decree No. 2018-223 of June 13, 2018 on the attributions, organization and functioning of the Public Procurement Regulatory Authority (ARMP)</p> <p>According to Article 7 ARMP has a Regulatory Council, a tripartite body composed of representatives of the administration, the private sector and the civil society. It includes a Dispute Settlement Commission and a Disciplinary Commission.</p>
19.	<p>PPL ensures electronic, machine-readable and free of charge access to submitted complaints, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	1	<p>“The remedies referred to in Article 137 and this Article may be exercised, either by registered letter with acknowledgment of receipt, or by any means of electronic communication, according to the modalities defined by this law.” Article 138 of law N° 2017-04 of 19 October 2017 on the Public Procurement code in the Republic in Benin. Submitted complaints are not published, however, when the ARMP makes the decision on the complaints, it is published. And the facts are exposed. Here is an example at:</p> <p><a href="https://armp.bj/index.php?option=com_k2&amp;view=item&amp;id=360:decision-n-2019-64-armp-pr-cr-crd-sp-draj-sa-du-30-decembre-2019-declarant-l-autorite-de-regulation-des-marches-publics-armp-incompetente-pour-connaître-du-recours-de-l-entreprise-la-polyvalence-en-contestation-des-motifs-de-rejet-de-son-offr&amp;Itemid=673">https://armp.bj/index.php?option=com_k2&amp;view=item&amp;id=360:decision-n-2019-64-armp-pr-cr-crd-sp-draj-sa-du-30-decembre-2019-declarant-l-autorite-de-regulation-des-marches-publics-armp-incompetente-pour-connaître-du-recours-de-l-entreprise-la-polyvalence-en-contestation-des-motifs-de-rejet-de-son-offr&amp;Itemid=673</a></p>
20.	<p>PPL ensures electronic, machine-readable and free of charge access to dispute resolutions (of the independent review body), either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	None
<b>Pre-tendering Phase</b>			
<b>#</b>	<b>Indicator</b>	<b>Score</b>	<b>Relevant Article and Law (if applicable)</b>
1.	<p>PPL obligates procuring entities to publish as early as possible in each fiscal year a notice regarding their future procurement plans - "public procurement annual plan". The annual plan must include at least: – [ <b>1 point</b> ]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.25</p> <p>b) 0.25</p>	<p>Article 6 and 99 of Decree N° 2018-231 of 13 June 2018 on procedures for developing procurement plans</p>



	<p><b>Point Distribution</b></p> <p>a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [ 0.25 ]</p> <p>b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [ 0.25 ]</p> <p>c) Estimated value of procurements. – [ 0.25 ]</p> <p>d) Source of funding. – [ 0.25 ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	c) 0.25 d) 0.25	Articles 23 et 24 of law N° 2017-04 of 19 October 2017 on the Public Procurement code in the Republic in Benin
2.	<p>PPL ensures electronic, machine-readable and free of charge access to public procurement annual plans of all procuring entities or key information included in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0.5	Article 23 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin. Obligation to publish here: ( <a href="https://marches-publics.bj">https://marches-publics.bj</a> ).
3.	<p>Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget formulation process in a fiscal year. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>	1	Article 3 of Decree N° 2018-231 of 13 June 2018
4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified. – [1 point]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	1	Article 26 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin. “The contracting authority is required to ensure that the funding is in place and available before the call is launched in accordance with its annual procurement plan until the contract is notified. The launching of a procurement procedure must comply with the regulations on public finance.”
5.	<p>PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – [1 point]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	Chapter 1 of the Decree N° 2018-226 of 13 June 2018 on attributions, organization and functioning of the person in charge of Public Procurement, and the Procurement Commission Person responsible for public procurement (PRMP): Article 10 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.
6.	<p>Minimum monetary thresholds exist for different types of procurement. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	Decree N° 2018-232 of 13 June 2018 setting the thresholds for the award, price solicitation, dispensation, control and approval of public procurement in the Republic of Benin

7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Open tender is the default procedure for any public procurement. – [ 0.5 ]</li> <li>b) All exceptions are clearly listed by the PPL. – [ 0.5 ]</li> </ul> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1 Components: a) 0.5 b) 0.5</p>	<p>Article 31 of law N°.2017-04 of 19 October 2017 on the public “Open tender is the rule.”</p> <p>Article 4 to 8 of Decree N° 2018-232 of 13 June 2018 setting the thresholds for the award, price solicitation, dispensation, control and approval of public procurement in the Republic of Benin</p>
8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [ 1 point ]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	0	<p>Articles 38, 51-52 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>
9.	<p>PPL stipulates that provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against foreign suppliers or protects domestic suppliers, a procuring entity may use non-competitive procedure (direct procurement) when: – [ 1 point ]</p> <ul style="list-style-type: none"> <li>a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist.</li> <li>b) For additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; or would cause significant inconvenience or substantial duplication of costs for the procuring entity.</li> <li>c) Insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering.</li> <li>d) Where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development.</li> <li>e) For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for routine purchases from regular suppliers. – [ 1 ]</li> </ul> <p><b>Scoring Method</b> In case of any additional exceptions – [ 0.5 ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i> <b>Source: GPA Standard</b></p>	1	<p>Articles 52 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>
<b>Tendering Phase</b>			
#	Indicator	Score	Relevant Article and Law (if applicable)

1.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any. – [ <b>1/8</b> ]</li> <li>b) A description of the procurement, including the nature and the quantity of the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity. – [ <b>1/8</b> ]</li> <li>c) CPV codes (or other classificatory system of a similar nature). – [ <b>1/8</b> ]</li> <li>d) Estimated value of the goods or services to be procured. – [ <b>1/8</b> ]</li> <li>e) The time-frame for delivery of goods or services or the duration of the contract. – [ <b>1/8</b> ]</li> <li>f) The procurement method that will be used. – [ <b>1/8</b> ]</li> <li>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [ <b>1/8</b> ]</li> <li>h) A list and brief description of any conditions (eligibility criteria) for participation of candidates, including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [ <b>1/8</b> ]</li> </ul> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: GPA Standard</b></p>	<p>Overall: 6/8 Components:</p> <ul style="list-style-type: none"> <li>a) 1/8</li> <li>b) 1/8</li> <li>c) 0</li> <li>d) 0</li> <li>e) 1/8</li> <li>f) 1/8</li> <li>g) 1/8</li> <li>h) 1/8</li> </ul>	<p>Article 58 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>
2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Payment conditions – [ <b>0.2</b> ]</li> <li>b) Information about bid security (if required) – [ <b>0.2</b> ]</li> <li>c) Source of funding – [ <b>0.2</b> ]</li> <li>d) Payment information for multi-year contracts – [ <b>0.2</b> ]</li> <li>e) Draft of contract – [ <b>0.2</b> ]</li> </ul> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 0.6 Components:</p> <ul style="list-style-type: none"> <li>a) 0.2</li> <li>b) 0.2</li> <li>c) 0</li> <li>d) 0</li> <li>e) 0.2</li> </ul>	<p>Article 56 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>
3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities. – [ <b>1/3</b> ]</li> <li>b) Financial position. – [ <b>1/3</b> ]</li> <li>c) Grounds of restriction for participation. – [ <b>1/3</b> ]</li> </ul> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: EBRD Methodology</b></p>	<p>Overall: 1 Components:</p> <ul style="list-style-type: none"> <li>a) 1/3</li> <li>b) 1/3</li> <li>c) 1/3</li> </ul>	<p>Article 69-74 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>
4.	<p>PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement (drafting of tender documentation) from independent experts or market participants. In such cases, these experts or market</p>	<p>Overall: 1 Components:</p> <ul style="list-style-type: none"> <li>a) 0.5</li> <li>b) 0.5</li> </ul>	<p>Article 72 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>

	<p>participants may not take part or benefit from tenders they helped plan unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [ <b>0.5</b> ]</p> <p>b) PPL prohibits these experts or market participants from taking part or benefiting from tenders they helped plan, unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [ <b>0.5</b> ]</p> <p style="text-align: right;"><i>Efficiency</i> <b>Source: EU Standard</b></p>		<p>Article 7 of Decree 2018-224 of June 13, 2018 on the attributions, organization and functioning of the National Directorate for the Control of Public Procurement.</p> <p>Article 11 of Decree N° 2018-226 of 13 June 2018 on attributions, organization and functioning of the person in charge of Public Procurement</p>
5.	<p>PPL ensures electronic, machine-readable and free of charge access to notices of intended procurement (including tender documentation), either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>Article 64 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p> <p><b>But in reality, you need to go there to get paper version</b></p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
7.	<p>PPL ensures electronic, machine-readable and free of charge access to tender candidate applications (all documents needed for the request to participate in a tender), either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul>	0.5	<p>Article 66 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>

	<i>Transparency</i>		
8.	<p>PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
9.	<p>PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
10.	<p>Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterizes the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favoring or eliminating certain undertakings or certain products. – [ <b>1 point</b> ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: EU Standard</b></p>	1	Article 61 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.
11.	<p>PPL stipulates that procuring entities may require tender candidates to confirm the validity of their bid with a bid security that is refunded once the procedure is completed. – [ <b>1 point</b> ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	Article 78, 105-108 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) The concept of conflicts of interest covers at least any situation where staff members of the procuring entity or of a procurement service provider acting on behalf of the procuring entity who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure, have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. – [ <b>1/3</b> ]</p>	<p>Overall: 2/3 Components: a) 1/3 b) 0 c) 1/3</p>	Article 10 to 13 of the Law N°2011-20 on the fight against corruption and other related offenses in the Republic of Benin.

	<p>b) PPL stipulates that persons responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants. – [ 1/3 ]</p> <p>c) The legislative framework prohibits the participation of active public officials and former public officials for a reasonable period of time after leaving office in public procurement procedures in ways that benefit them, their relatives, and business or political associates financially or otherwise. – [ 1/3 ]</p> <p style="text-align: right;"><i>Accountability and Integrity</i> <b>Source for a): EU Standard</b> <b>Source for b): OECD Methodology</b></p>		
13.	<p>PPL stipulates that award decisions must be made solely on the basis of evaluation criteria that have been precisely specified in advance in the tender documentation. – [ 1 point ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	1	Article 12 of the Decree N° 2018-226 of 13 June 2018 on attributions, organization and functioning of the person in charge of Public Procurement, and the Procurement Commission.
14.	<p>PPL stipulates that upon modification of any criteria and requirements set out in tender documentation prior to the completion of tender application submission period, a procuring entity shall transmit in writing all such modifications: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) To all tender candidates; and – [ 0.5 ]</p> <p>b) Give additional adequate time (either by extending or restarting the time) to allow such candidates to modify and re-submit amended tender application. – [ 0.5 ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall:0</p> <p>Components:</p> <p>a)0</p> <p>b)0</p>	This case is not provided for in the texts. Changes are possible during the execution of the contract.
15.	<p>PPL stipulates that procuring entities shall inform each tender participant of the decision reached about the winner of the tender, including failure to do so, as soon as it is made, but no later than the end of the following working day. – [ 1 point ]</p> <p style="text-align: right;"><i>Transparency</i></p>	0	According to article 89 of the PPL procuring authority communicates with the participant the decision reached within 5 working days.
16.	<p>PPL ensures that on request from the tender participant the procuring entity shall as quickly as possible inform: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [ 0.5 ]</p> <p>***</p> <p>b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – [ 0.5 ]</p> <p>*** If a) is not applicable, b) equals [ 1 point ].</p> <p style="text-align: right;"><i>Transparency</i> <b>Source: EU Standard</b></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	Article 89 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.

17.	<p>PPL stipulates that in cases when evaluation criteria include both price and quality, the winner shall be chosen using a cost-effectiveness approach, such as: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Life-cycle cost – [ <b>1/3</b> ]</li> <li>b) Best price-quality ratio – [ <b>1/3</b> ]</li> <li>c) Environmental and/or social costs – [ <b>1/3</b> ]</li> </ul> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: EU Standard</b></p>	<p>Overall: 2/3</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 1/3</li> <li>b) 1/3</li> <li>c) 0</li> </ul>	<p>Article 89 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>
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**Post-tendering Phase**

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that upon successful conclusion of tender (upon choosing and announcing of the winner) the following information must be made public as soon as it is available: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Name, type, identification number, address, telephone, fax number (where applicable), email and internet address of the procuring entity and, where different, of the service from which additional information may be obtained. – [ <b>0.1</b> ]</li> <li>b) Subject of procurement. – [ <b>0.1</b> ]</li> <li>c) CPV codes (or other classificatory system of similar nature). – [ <b>0.1</b> ]</li> <li>d) Description of the procurement: nature, extent, quantity or value of goods, works and services. Where the contract is divided into lots, this information shall be provided for each lot. – [ <b>0.1</b> ]</li> <li>e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [ <b>0.1</b> ]</li> <li>f) Date of the signing of contract(s) or of framework agreement(s). – [ <b>0.1</b> ]</li> <li>g) Duration of the contract. – [ <b>0.1</b> ]</li> <li>h) Number of bids and their respective amounts received. – [ <b>0.1</b> ]</li> <li>i) Name, address, telephone, fax number (where applicable), email address and internet address of the successful tender participant(s) including: information whether the contract was awarded to a group of economic operators (joint venture, consortium or other) (where applicable). – [ <b>0.1</b> ]</li> <li>j) Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number (where applicable) and email address of the service from which this information may be obtained. – [ <b>0.1</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p> <p style="text-align: right;"><b>Source: EU Standard</b></p>	<p>Overall: 0</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0</li> <li>b) 0</li> <li>c) 0</li> <li>d) 0</li> <li>e) 0</li> <li>f) 0</li> <li>g) 0</li> <li>h) 0</li> <li>i) 0</li> <li>j) 0</li> </ul>	

2.	<p>PPL stipulates that the information on subcontractors must be made public upon successful conclusion of tender (upon choosing and announcing of the winner). – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Procurement contracts include information on what proportion of the contract can be subcontracted to third parties. – [ <b>0.5</b> ]</li> <li>b) Information on subcontractor/s (if any): name, address, ID, contact information, is made public as soon as this information is available. – [ <b>0.5</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	<p>Overall: 0.5 Components: a) 0.5 b) 0</p>	<p>Article 119 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>
3.	<p>PPL ensures electronic, machine-readable and free of charge access to procurement contracts, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	<p style="text-align: center;">0</p>	
4.	<p>PPL ensures electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	<p style="text-align: center;">0</p>	
5.	<p>PPL ensures electronic, machine-readable and free of charge access to contract performance information (acceptance act and milestone reports), either the full text or key information included in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	<p style="text-align: center;">0</p>	
6.	<p>PPL ensures electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> </ul>	<p style="text-align: center;">0</p>	



	<ul style="list-style-type: none"> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Quality control (<b>QC</b>) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [ <b>0.5</b> ]</p> <p>b) Inspection of civil works is carried out by independent engineering firms or qualified government supervisors and inspectors. – [ <b>0.5</b> ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>	Overall: 0 Components: a) 0 b) 0	
8.	<p>PPL ensures electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
9.	<p>Procedures for acceptance of final products and processing of final payments are clearly defined by the PPL or contract law and are incorporated as standard clauses in contracts. – [ <b>1 point</b> ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>	1	Articles 104-109 and 123-of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin
10.	<p>PPL defines specific procedures for modifying contracts. – [ <b>1 point</b> ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	Article 116 to 118 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin
11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [ <b>1 point</b> ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	Article 140 to 141 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• In electronic form for a period of at least 10 years. – [ <b>1</b> ]</li> <li>• In paper form for a period of at least 3 years. – [ <b>0.5</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	

13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [ <b>0.5</b> ]</li> <li>b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [ <b>0.5</b> ]</li> </ul> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	<p>Overall: 0.5</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0.5</li> <li>b) 0</li> </ul>	<p>Article 123 of law N°.2017-04 of 19 October 2017 on the public Procurement code in the Republic in Benin.</p>
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